

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Everdry Marketing and Management, Inc.)
Plaintiff(s),) CASE NO. 5:06CV2265
v.)
Humidex-Atlantic, et al.,)
Defendant(s).)

ORDER

(Resolving Doc. No.32)

Before the Court is Defendant Phil Konigsberg's motion to dismiss for lack of personal jurisdiction (Docket No. 32). The Court granted the Plaintiff leave to amend its complaint to make the claims against Mr. Konigsberg, the individual defendant, distinct from the Humidex Atlantic, the defendant corporation.

On March 23, 2007, Plaintiff filed its Second Amended Complaint and added additional counts alleging breach of contract, fraudulent inducement and seeking injunctive relief against both defendants. See Docket No. 47. Pursuant to leave of Court, Defendants renewed their motion to dismiss (Docket No. 49-50) in response to the specific allegations of the Second Amended Complaint. The renewed motion no longer seeks dismissal based on the lack of personal jurisdiction. Accordingly, for record purposes, the earlier filed motion to dismiss (Docket No. 32) is denied.

Plaintiff has never defended against the arguments contained in the most recent motion to dismiss. Accordingly, the Court grants Plaintiff leave until April 19, 2007 to file their response to the motion to dismiss. Further, Defendants are granted leave until April 27, 2007 to file a reply brief in support of the motion.

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IT IS SO ORDERED.

April 9, 2007
Date

/s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge